**HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1895 OF 2005.**

Shri Dashrath Vishnu Baraskale ...Applicant

V/s.

The State of Maharashtra. ...Respondent

Shri S.P.Kadam, for applicant.

Shri V.B.Konde-Deshmukh, APP for respondent.

**CORAM: A.M.KHANWILKAR,J**
**DATE : APRIL 5, 2005**

**P.C. :-**

1. Heard the counsel for the parties.

2. Perused the record. I see no reason to depart from the conclusion of the trial court who has rejected the bail application preferred by the applicant/accused No.3.

3. To get over this position, the contention pressed before this court is that the applicant was arrested on 3rd March, 2004 and recovery of the subject articles was shown at the instance of the applicant on 6th March, 2004. The said articles have been identified, as is noted in the panchanama drawn on 16/3/2004.

Whereas the applicant has been identified in the identification parade held on 20/3/2004.

3. It is contended that since there is no mention in the panchanama drawn in relation to the identification of articles on 16/3/2004 as to what precautions were taken, identification of the applicant on 20th March, 2004 would become doubtful. This aspect is a matter for trial. That can be established during the trial. For the time being, there is nothing on record to suggest that the witnesses had opportunity to see the applicant before the identification parade was actually held on 20th March, 2004. There is no reason to discard the evidence of identification of the applicant during said identification parade at this stage.

4. Viewed in this perspective, as there is direct evidence to indicate complicity of the applicant in the commission of the offence and taking into consideration the seriousness of the offence, this is not a fit case for grant of bail.

5. The learned counsel for the applicant fairly accepts that since in the identification parade, the applicant has been identified, it is not possible for the applicant to contend that he is entitled to be

released on bail on the ground of parity alongwith two other accused. In the circumstances, there is no substance in the application. Hence dismissed.

6. As prayer for bail is rejected, the trial court is directed to expedite the hearing of the case as High Court expedited case.

7. The trial court shall decide the trial on its own merit in accordance with the law uninfluenced by the observations made in the present order which is for limited purpose of considering prayer for bail.

8. In the event, the Trial court is of the view that the applicant is responsible for delay of the trial, that can be recorded in roznama which will be taken into account as and when occasion arises.

9. Application is disposed of accordingly.